

By:

Quintanilla

H.B. No. 2211

A BILL TO BE ENTITLED

AN ACT

relating to the habitability of mobile homes; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1201.452, Occupations Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) If the used manufactured home does not have the appropriate seal or label, the person must:

(1) apply to the department for a seal; ~~and~~

(2) pay the fee; and

(3) for a used mobile home, submit to the department a written disclosure of the condition of the home's plumbing, heating, and electrical systems.

(c) On the person's application to the department for issuance of a seal for a used mobile home, other than a home regulated under Section 1201.457(a) or 1201.458, the department shall inspect the home and, if the department determines that the home is habitable, issue the seal. The department may not issue a seal for a used mobile home until it determines that the home is habitable.

(d) On request by a consumer, the department shall provide the consumer with a copy of any written disclosure submitted under Subsection (b)(3).

SECTION 2. Section 1201.605, Occupations Code, is amended

1 by amending Subsection (b) and adding Subsection (c) to read as
2 follows:

3 (b) The director may assess against a person [~~retailer~~] who
4 fails to provide information to a consumer as required by this
5 chapter an administrative penalty in an amount not to exceed:

6 (1) \$1,000 for the first violation;

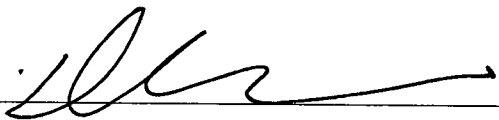
7 (2) \$2,000 for the second violation; and

8 (3) \$4,000 for each subsequent violation.

9 (c) In an amount determined by board rule, the director may
10 assess an administrative penalty against a person who fails to
11 submit a disclosure to the department as required by Section
12 1201.452(b)(3).

13 SECTION 3. This Act takes effect September 1, 2005.

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MAR 07 2005

Filed with the Chief Clerk

MAR 14 2005

Read first time and referred to Committee on State Affairs

Reported favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

Read third time, _____, and passed by a (viva voce vote)
(yeas, nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)